

**CALENDAR ITEM
C03**

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04/09/02
PRC 8229.1
L. Burks

AMENDMENT OF LEASE

LESSEE:

Willow Berm Nexgen, LLC
169 Brannan Island Road
Isleton, California 95641

AREA, LAND TYPE, AND LOCATION:

20.97 acres, more or less, of tide and submerged lands in the Mokelumne River,
Andrus Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing marina.

LEASE TERM:

30 years, beginning May 8, 2001.

CONSIDERATION:

\$50,400 Minimum Annual Rent to be paid in twelve monthly installments, against five percent (5%) of gross income derived from berthing plus one and one-half cents per gallon of fuel sales up to 100,000 gallons, and two cents per gallon of fuel sales over 100,000 gallons, and ten percent (10%) of all other income. The Minimum Annual Rent and the Monthly Payments are to be adjusted each lease year.

PROPOSED AMENDMENT:

Revise due dates for rent payments and due dates for submittal of Reports of Gross Income. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

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2. The original lease provided that the effective date of the lease was the close of escrow, but no later than June 5, 2001. May 8, 2001, was the date the escrow closed and thus is the new effective date. Since the Minimum Annual Rental is to be paid in monthly payments, it is necessary to revise the due dates for the annual rental adjustment payment and for the submittal of the Reports of Gross Income. The adjusted monthly payments will be due the 8th of each month; the quarterly reports will be due June 15th of each year.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8229.1, A
GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON
EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF, SAID AMENDMENT BEING EFFECTIVE MARCH 1, 2002, TO
REVISE DUE DATES FOR ANNUAL RENTAL ADJUSTMENT PAYMENT
WHICH WILL BE DUE THE 8TH OF EACH MONTH, AND REVISE THE
DUE DATES FOR SUBMITTAL OF REPORTS OF GROSS INCOME
WHICH WILL BE DUE ON JUNE 15TH OF EACH YEAR; ALL OTHER
TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT
WITHOUT AMENDMENT.